

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KYLE SMITH,

Plaintiff,

V.

PROMARK PRODUCTS WEST, INC.,

and

ARIENS COMPANY,

Defendants.

CIVIL ACTION NO. 02-CV-2718

ORDER

AND NOW, this _____ day of January, 2005, upon consideration of Defendants' Motion for Summary Judgment (Docket No. 27), Plaintiff's Answer to Defendants' Motion for Summary Judgment (Docket No. 33), Reply Brief of Defendants in Support of Motion for Summary Judgment (Docket No. 37), Plaintiff's Surreply to the Reply Brief of Defendants in Support of Motion for Summary Judgment (Docket No. 41), and Response of Defendants to Plaintiff's Surreply to Defendants' Motion for Summary Judgment (Docket No. 43), it is hereby **ORDERED** that Defendants' Motion for Summary Judgment is **DENIED**.

BY THE COURT:

RONALD L. BUCKWALTER, S.J.